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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations control the keeping and introduction of fish in inland waters. They apply in relation to Wales. They provide that it is an offence to introduce any fish into inland waters, to keep certain types of fish (the fish that belong to the taxonomic order specified in Part 1 of the Schedule but are not of a species specified in Part 2 of the Schedule) in inland waters, or to keep any kind of fish in protected areas where those fish would otherwise be absent, other than in accordance with a permit granted under these Regulations by the Natural Resources Body for Wales (“the Body”) (regulations 4 and 5). The Body may attach conditions to permits to introduce fish or to keep fish and a list of purposes for which, or matters in relation to which, conditions may in particular be imposed is contained in regulation 6(4).

Regulation 3 excludes aquaculture production businesses from the scope of these Regulations, including the transportation of fish between premises of one or more aquaculture production businesses. However, it does not exclude aquaculture production businesses from the requirement to have a permit to keep (otherwise than on the premises) fish or to introduce fish into inland waters.

Regulation 7 specifies the circumstances in which the Body may revoke, suspend or vary a permit.

Regulation 8 enables the Body to serve a notice on any person who is the owner or occupier of inland waters requiring that person to remove and dispose of fish, if the fish have been introduced into the water or kept in contravention of the Regulations. Paragraph (3) sets out the circumstances in which the Body may remove and dispose of fish without serving notice under paragraph (1). Paragraph (5) makes it a criminal offence not to comply with a notice under paragraph (1) without reasonable excuse.

Regulation 9 makes provision for the time at which a notice under regulation 7 or 8 takes effect.

Regulation 10 makes provision in relation to appeals by an applicant for a permit, or the holder of a permit or an owner or occupier of inland waters, who is the recipient of a notice under regulation 7 or 8.

Regulation 11 confers powers of entry on an authorised officer of the Body for the purposes of enforcing the Regulations. Regulation 12 sets out additional powers of an authorised officer, including the power to stop and detain any vehicle, and the power to carry out any search. Regulation 13 provides for certain offences relating to obstruction of a person acting in the execution of the Regulations.

Regulation 14 states that a person who is guilty of an offence under the Regulations is liable, on summary conviction, to a fine not exceeding £50,000, or on conviction on indictment to a fine which is unlimited. However, if section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is in force on the day on which these Regulations are made, a fine imposed on summary conviction in a court in Wales will not be limited to £50,000.

Regulation 15 makes provision for offences by bodies corporate. The effect of paragraph (1) is that, in certain circumstances, a director or other similar person of a body corporate may be personally liable for an offence as well as the body corporate. Regulation 16 makes provision for offences committed (or alleged to have been committed) by partnerships and unincorporated associations.

Regulation 17 provides that an existing licence in force under section 1 of the Import of Live Fish (England and Wales) Act 1980 is to be taken to be a permit under the Regulations.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 18 repeals section 30 of the Salmon and Freshwater Fisheries Act 1975 in relation to Wales.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Marine and Fisheries Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.